

Date June 11, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF PROPERTY INTERESTS PURCHASED FOR THE EAST 42<sup>ND</sup> STREET AND HUBBELL AVENUE INTERSECTION IMPROVEMENTS PROJECT TO THE STATE OF IOWA, FOR THE BENEFIT AND USE OF THE IOWA DEPARTMENT OF TRANSPORTATION (IDOT)

WHEREAS, on August 24, 2015, by Roll Call No. 15-1407, the City Council approved and authorized the execution of the Iowa Department of Transportation Agreement for the East 42<sup>nd</sup> Street and Hubbell Avenue Improvements Project (Agreement No. 2016-TS-005); and

WHEREAS, on April 11, 2016, by Roll Call No. 16-0558, the City Council authorized acquisition of the necessary property interests for the East 42<sup>nd</sup> Street and Hubbell Avenue Intersection Improvements Project by gift, negotiation, or condemnation; and

WHEREAS, in order to effectuate the IDOT agreement, it is necessary for the City of Des Moines to transfer public road jurisdiction and convey certain right-of-way acquired by the City for the Project, as described below, by Permanent Easement for Street Right-of-Way and by Access Rights Deed to the State of Iowa, for the benefit and use of the IDOT, in accordance with Sections 306.42 and 364.7(3) of the Iowa Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. The City of Des Moines, Iowa proposes to transfer public road jurisdiction and convey property interests in the vicinity of 4200 Hubbell Avenue at no cost to the State of Iowa, for the benefit and use of the Iowa Department of Transportation, as required for the East 42<sup>nd</sup> Street and Hubbell Avenue Intersection Improvements Project, which right-of-way was acquired by the City of Des Moines pursuant to a Quit Claim Deed recorded on May 16, 2018 in Book 16922, Page 621 in the office of the Polk County Recorder, and is legally described as follows:

PERMANENT EASEMENT FOR STREET RIGHT-OF-WAY

A PART OF LOT 11, CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH CORNER OF SAID LOT 11; THENCE SOUTH 00°(DEGREES) 10'(MINUTES) 26"(SECONDS) EAST ALONG THE WEST LINE OF SAID LOT, 282.96 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 63°30'40" EAST, 24.40 FEET TO A POINT BEING 16.00 FEET NORTH OF AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT; THENCE NORTH 54°42'54" EAST ALONG A LINE 16.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINE, 150.93 FEET TO A POINT ON THE EAST LINE OF SAID LOT; THENCE SOUTH 35°13'18" EAST ALONG SAID EAST LINE, 14.00 FEET TO A POINT BEING 2.00 FEET NORTH OF AND PERPENDICULAR TO



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SAID SOUTH LINE; THENCE SOUTH 54°42'54" WEST ALONG A LINE BEING 2.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINE, 187.42 FEET TO A POINT ON SAID WEST LINE; THENCE NORTH 0°10'26" WEST ALONG SAID WEST LINE, 43.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (2842 SQ. FT.)

ACCESS RIGHTS DEED

RESTRICTED ACCESS CONTROL ALONG THE EAST RIGHT OF WAY LINE OF EAST 42ND STREET AND THE NORTH RIGHT OF WAY LINE OF HUBBELL AVENUE AS PRESENTLY ESTABLISHED BEING A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH CORNER OF LOT 11, CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALSO BEING A POINT ON SAID EAST RIGHT OF WAY LINE; THENCE SOUTH 0°10'26" EAST ALONG SAID EAST RIGHT OF WAY, 290.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°10'26" EAST ALONG SAID EAST RIGHT OF WAY, 73.87 FEET; THENCE SOUTH 63°30'40" EAST CONTINUING ALONG SAID EAST RIGHT OF WAY, 24.40 FEET TO SAID NORTH RIGHT OF WAY; THENCE NORTH 54°42'54" EAST ALONG SAID NORTH RIGHT OF WAY, 109.08 FEET TO THE POINT OF TERMUNUS.

2. A public hearing shall be held on June 25, 2018, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the conveyance of this property.


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Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

